

**TOWN OF ELSMERE
BOARD OF ADJUSTMENTS
MEETING MINUTES
January 26, 2010
6:30 P.M.**

PLEDGE OF ALLEGIANCE:

CALL TO ORDER:

ROLL CALL:

Board Member Patricia Boyd – Present
Board Member James Personti – Present
Board Member John Smith – Present
Board Member Thomas Manuel – Absent
Chairman Paul Chalfant – Absent

APPROVAL OF MINUTES:

Minutes from the July 28, 2009 Board of Adjustment Meeting

ACTION: A motion was made by Board Member Smith to approve the Minutes of the July 28, 2009 Board of Adjustment Meeting as transcribed. The motion was seconded by Board Member Boyd.

VOTE:

All in favor Vote: 3-0 with 2 Absent Motion Carried

Minutes from the August 25, 2009 Board of Adjustment Meeting

ACTION: A motion was made by Board Member Smith to approve the minutes of the August 25, 2009 Board of Adjustment Meeting as transcribed. The motion was seconded by Board Member Boyd.

VOTE:

All in favor Vote: 3-0 with 2 Absent Motion Carried

OLD BUSINESS:

None

NEW BUSINESS:

The Board of Adjustment Reviewed Petition 09-14 tax parcel number 1900-800-369 also known as 514 Belmont Avenue

Ms. Shari Saslaw presented the application on behalf of Pegasus Tower Company. She presented a photo study of the project and what would be visible to the residents in the town.

Ms. Saslaw also presented a study that shows the current area of coverage without this tower and the area of coverage with the tower. She stated that without this tower they will be unable to use any of the other towers that they have been approved to construct because all of those towers will communicate with this particular tower for information.

Town Manager John Giles informed the Board that the tower will actually be 160' because of a required lightning rod at the top of the tower therefore any approval or denial motion must include this 10' amendment. He also pointed out that the applicant has not made any arrangements to address the issue of construction within a floodplain.

Ms. Saslaw stated that the only modification they would need to make is that the base must be an additional 2 feet tall. She stated that she would like the Mayor and Council to waive the requirements for a hydraulic study and all additional flood plain requirements. She stated that the additional height on the base would sufficiently address the Tower Companies concerns for construction within a flood plain.

ACTION: A motion was made by Board Member Smith to approve Petition 09-14 a request to construct a 160' monopole communications tower at the property known as 514 Belmont Ave. The motion was seconded by Board Member Boyd.

VOTE:

All in favor Vote: 3-0 with 2 Absent Motion Carried

ACTION: A motion was made by Board Member Smith to recommend that the Mayor and Council approve a variance to the floodplain regulations as outlined in Chapter 225 section 22 of the Code of the Town of Elsmere. The motion was seconded by Board Member Boyd.

VOTE:

All in favor Vote: 3-0 with 2 Absent Motion Carried

ITEMS SUBMITTED BY CHAIRMAN AND BOARD MEMBERS:

None

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Board Member Smith to adjourn. The motion was seconded by Board Member Boyd.

VOTE:

All in favor

Vote: 3-0 with 2 Absent

Motion Carried

At this time the meeting was adjourned.

These minutes summarize the agenda items and other issues discussed at the January 26, 2010 Board of Adjustment Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tape(s) may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

PAUL CHAFANT, CHAIRMAN

JAMES PERSONTI, SECTRARY